

The Prophet (p) Condemned the Killing of Civilians, Even during War

It was narrated on the authority of Abdullah bin Umar that, “During some of the battles fought by the Prophet (p), a woman was found killed. The Messenger of Allah (p) disapproved the killing of women and children.”¹

There is in addition, the prohibition by the Prophet (p) and his Companions of killing even during warfare, those non-Muslims who were non-combatants, such as women, children, etc.² For example, he said, “Never kill women and children”³, “Do not kill hermits”⁴, “Do not slay the old and frail...”⁵, and “Leave them (monks) and that to which they devote themselves.”⁶ To this list, scholars add other non-combatants such as the blind, chronically ill, clergy, traders, craftsmen, farmers, the insane, peasants, serfs, etc.⁷ Others who can be safely included are those with amnesty or peace treaties (*mu’ahid* and *dhimmi*), Emissaries and Diplomats, etc.⁸

Supporting Texts

“And fight in the way of Allah those who fight against you, but do not transgress the limits, surely Allah does not love those who exceed the limits.” (Qur’an 2:190)

¹*Sahih al-Bukhari*, vol.4, book 52, hadith no.257.

² Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.107-118.

³ Imam al-Tahawy, *Sharh Ma’ani al-Athar*, Dar al-Kutub al-Ilmiyyah, Beirut, 1399AH, hadith no.4770 (ed. Muhammad Zuhri al-Najjar); al-Bayhaqi, *al-Sunan al-Sugra*, hadith no. 3894.

⁴Ahmad bin Hanbal, *Musnad Ahmad*, Mu’assasah al-Risalah, Beirut, 1420 A.H, vol.4, p.461.

⁵ Al-Bayhaqi, *al-Sunan al-Sugra*, hadith no. 3894; al-Bayhaqi, *al-Sunan al-Kubrah*, hadith no. 17932.

⁶Abu Bakr Abd al-Razzaq, *Musannaf abd al-Razzaq*, hadith no. 9377; al-Bayhaqi, *al-Sunan al-Kubra*, hadith no. 18614.;*Musnad Ahmad*, hadith no. 2728; al-Tabarani, *al-Mu’jam al-Kabir*, hadith no.11396; al-Bayhaqi, *al-Sunan al-Sugra*, hadith no.3893.

⁷For more references and discussion, see Ibn Rushd’s *Bidayah al-Mujtahid wa Nihayah al-Muqtasid* (The Distinguished Jurist’s Primer), vol.1, 1994, p.458-460; Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations*, Palgrave Macmillan, New York, 2011, p.107-118.

⁸ Al-Bukhari, *Sahih al-Bukhari*, hadith no. 3166.

“...if anyone slays a human being – unless it be (in punishment) for murder or for spreading corruption on earth – it shall be as though he had slain all mankind; whereas, if anyone saves a life, it shall be as though he had saved the lives of all mankind. ...” (Qur’an 5:32)

“Never should a believer kill a believer; but (If it so happens) by mistake, (Compensation is due): If one (so) kills a believer, it is ordained that he should free a believing slave, and pay compensation to the deceased's family, unless they remit it freely. If the deceased belonged to a people at war with you, and he was a believer, the freeing of a believing slave (is enough). If he belonged to a people with whom ye have treaty of Mutual alliance, compensation should be paid to his family, and a believing slave be freed. For those who find this beyond their means, (is prescribed) a fast for two months running: by way of repentance to Allah: for Allah hath all knowledge and all wisdom.” (Qur’an 4:92)

Comments

Imam Shawkani said: *“Ahadith in this chapter show that it is not permissible to kill women and children; this is the view of Malik and al-Awza’i.”*⁹

At-Tabari, in his commentary on Qur’an 2:190 above, cites Ibn Abbas’ explanation of the verse as follows: *“It means do not kill women nor children nor old people nor those that meet you with peace and abstain from fighting you, for if you do so, know that you have transgressed beyond the limits.”*¹⁰

Even where warfare is completely justifiable, there is clear and explicit condemnation by the Prophet (p) of killing any non-combatants including the aged, women and children. All these prove that it is not permissible for Muslims to fight non-Muslims unless they are aggressors and combatants.

⁹ Muhammad bin Ali bin Muhammad al-Shawkani, *Nayl al-Awtar*, Idarah al-Taba’at al-Muniriyyah, vol.8, p.56.

¹⁰ *Tafsirof Al-Tabari*, Tafsir of Qur’an 2:190 in *Maktab Taalib al-Ilm CD-ROM*, Ariss Computers Inc., Beirut, Lebanon, 2002.

Implications and Lessons

This narrative shows that Islam places a high premium on human life and forbids the unjust killing of anyone, irrespective of faith. The verse quoted above (Qur'an 4:92) shows the punishment for even accidentally killing someone.

It therefore contradicts the extremist arguments that non-Muslims can be killed indiscriminately, or that public places with women, children and non-combatants can be bombed.

DISCUSSION QUESTIONS

1. Carefully reading both hadiths cited in Case 1 indicate the reasoning behind the Prophet's action of standing for the biers:
 - a) Can you articulate this reasoning?
 - b) Highlight the words in the Hadith upon which your response is based.
 - c) Can you cite a verse of the Qur'an or a hadith that is in line with this reasoning?
 - d) The question asked by the companions has an underlying belief or assumption. What could this belief or assumption be?
2. 'Being in a state of war is a poor excuse for committing acts of injustice.' OR 'The end does not justify the means.' Discuss either of these statements, considering the contents of case 2.
3. Discuss in light of the hadith narrated in Case 3, the statement: "In seeking to be just, one must be ready to be flexible."
4. Some Muslims seek to justify killing women, children and other non-combatants by saying, 'Our enemies do the same'. Having read the hadith quoted in Case 4 (and the supporting texts and footnotes), what responses can you formulate for their argument and others like it?